

Amendments to the Drawings:

A new drawing, FIG. 4., has been provided to illustrate more clearly both (a) how the primary section has a second end removably inserted into the aperture and into the cavity and (b) where the linear segment is.

The addition of the sheet with FIG. 4 required the renumbering of sheets 1, 2 and 3 to $\frac{1}{4}$, $\frac{2}{4}$, and $\frac{3}{4}$ in lieu of $\frac{1}{3}$, $\frac{2}{3}$, and $\frac{3}{3}$. This is shown both on the resultant three replacement sheets and the corresponding three annotated sheets.

REMARKS/ARGUMENTS

Claim Rejections

35 U.S.C. § 112

Specification and Drawings and Claim 1

The specification has been amended to include a description of new FIG. 4 and also to have paragraph [0024] refer both to FIG. 3 and FIG. 4 when describing primary section 101 and a linear segment 102.

The new drawing, FIG. 4., has been provided to illustrate more clearly both (a) how the primary section has a second end removably inserted into the aperture and into the cavity and (b) where the linear segment is.

Paragraphs [0018], [0019], [0021], [0022], and [0024] (as amended) provide:

“[0018] The Holder comprises a base 1 with a first perpendicular segment 2 attached to a first end 3 of the base 1 and a second perpendicular segment 4 attached to a second end 5 of the base 1. The first perpendicular segment 2 contains an aperture 6 through which a first end 7 of a cylindrical rod 8 extends.

“[0019] The second perpendicular segment 4 contains a cavity 9 to releasably retain the second end 10 of the cylindrical rod 8.

...

“[0021] An opening 12 is transversely located in the cylindrical rod 8 near the first end 7 of such rod 8 but sufficiently far from such first end 7 that such opening 12 will be situated between the first perpendicular segment 2 and the second perpendicular segment 4 when the second end 7

of the cylindrical rod 8 is retained by the cavity 9 in the second perpendicular segment 4. In order to preclude the cylindrical rod 8 from inadvertently slipping from the second perpendicular segment 4, a peg 13 is removably inserted into the opening 12. The dimensions of the peg 13 are such that friction will removably retain it within the opening 12.

[0022] Optionally, the peg 13 is spring-loaded so that a first end 100 of the peg can be depressed to allow the cylindrical rod 8 to be inserted through the aperture 6 in the first perpendicular segment 2; after passing through the aperture 6, the first end 100 returns to an extended position to retain the cylindrical rod 8 in place. Then the peg 13 need not necessarily be removable.

...

[0024] Optionally, rather than having the longitudinal groove 14, the cylindrical rod 8 comprises, as shown in FIGS. 3 and 4, a primary section 101 and a linear segment 102 releasably attached to the primary section 101. Releasable retention of the linear segment 102 is preferably accomplished with a fastener 103 such as a screw or bolt, one or more apertures 104 in the linear segment 102, and one or more mating apertures 105 in the primary section 101.

Considering FIGS. 3 and 4 in view of the preceding language, initially the Holder does not have the cylindrical rod 8. To install the cylindrical rod 8, the second end 10 of the cylindrical rod 8 is first passed through aperture 6 in the first perpendicular segment 2. Then the second end 10 of the cylindrical rod 8 is pushed farther into the Holder until the second end 10 enters and is releasably retained within the cavity 9 of the second perpendicular segment 4. At that point the cylindrical rod 8, comprising the primary section 101 and the linear segment 102.

As shown in FIGS. 3 and 4, the first end **7** of the cylindrical rod **8** is also the first end **7** of the primary section **101**; and the second end **10** of the cylindrical rod **8** is also the second end **10** of the primary section **101**.

Thus, after completion of the installation process, the first end **7** of the primary section **101** (and of the cylindrical rod **8**) passes (or extends) through the aperture **6** in the first perpendicular segment **2** while the second end **10** of the primary section **101** is releasably retained within the cavity **9** of the second perpendicular segment **4**.

As shown in FIGS. 3 and 4, the linear segment **102** detaches from the primary section **101**. Construction plans **16** can then be inserted. Reconnection of the linear segment **102** to the primary section **101** then retains the construction plans **16**, as illustrated in FIG. 3.

Applicant respectfully believes that this explanation, together with FIGS. 3 and 4, demonstrates how those FIGS. together with the quoted language from the disclosure cause claim 1 to show both (a) “how the primary section is inserted into the aperture and into the cavity,” as stated in claim 1 and (b) where the linear segment of claim 1 is.

35 U.S.C. § 102

The Examiner has said:

Claims 1, 2, 7 and 14 (as far as definite) are rejected under 35 U.S.C. 102(b) as being anticipated by Silverman, US #1,415,722.

Silverman discloses a holder including a base having first and second perpendicular segments “c” and “b” and a cylindrical rod comprising a primary section 13, 14 and linear segment 12 attached thereto (Figures 1 and 2). The first end of the cylindrical rod forms knob 17. Regarding claim 7, Silverman teaches a means for removably retaining the base, as in Figure 4.

Claim 1 of the present Application provides:

1. A holder for construction plans, which comprises:
 - a base having a first end and a second end;
 - a first perpendicular segment attached to the first end of said base, said first perpendicular segment having an aperture;
 - a second perpendicular segment attached to the second end of said base, said second perpendicular segment containing a cavity;
 - a primary section having a first end that passes through the aperture in said first perpendicular segment and a second end removably inserted into the cavity of said second perpendicular segment, and a longitudinal groove; and
 - a linear segment releasably attached to the primary section.

Significantly, § 2131 in the Manual of Patent Examining Procedure declares, in pertinent part:

. . . “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). . . .

Applicant respectfully submits that Silverman (United States patent no. 1,415,722) does not meet the preceding test.

As seen in FIG. 1 and as stated in lines 36 of page 2 in Silverman, the cylindrical metal casing *a* is attached to the base 40.

Even if *b* and *c* were to be considered perpendicular segments rather than, as stated in lines 44 through 47 of Silverman, a head *b* closing a cylindrical metal casing *a* and a cover *c* (In fact, the invention of Silverman actually, Applicant respectfully asserts, comprises a cylindrical can with a cover.), *b* and *c* are not attached to the base 40—as required by claim 1 of the present Application. The cylindrical metal casing *a*, as indicated above, is so attached.

Furthermore, since there is only one attachment shown in Silverman (FIG. 1), it would not be possible to have one of *b* and *c* attached to the first end of the base and the other of *b* and *c* attached to the second end of the base.

Additionally, *c* apparently has an aperture, but *b* has no cavity as claim 1 requires of the second perpendicular segment. The center piece 21 of the spring, according to lines 75 through 78 of page 1 in Silverman, has “. . . a hole to permit the spring to be fitted upon the stub shaft 13 between the spool 12 and the head *b* of the casing”

And, finally, in Silverman the “container” has two stub shafts 13, 14 and a spool 12, not a primary section **101** and a linear segment **102** as required by claim 1.

Consequently, Applicant respectfully submits that claim 1 of the present Application cannot be anticipated by Silverman and that, because claims 2, 7, and 14 of the present Application depend upon claim 1, claims 2, 7, and 14 cannot be anticipated by Silverman.

35 U.S.C. § 103

The Examiner has rejected claims 3, 4, 10, and 11 under 35 U.S.C. § 103(a) as being unpatentable over Silverman in view of Blake (United States patent no. 6,709,000), specifically mentioning a spring-loaded peg 140 in an opening 142 of the device in Blake.

Applicant respectfully suggests that the discussion above concerning claim 1 demonstrates that Silverman could not be modified by Blake to create the holder for construction plans of claim 3, claim 4, claim 10, or claim 11 since claims 3, 4, 10, and 11 are each dependent upon claim 1.

Next the Examiner has rejected claims 5 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Silverman and Blake as applied to claim 4 above, and further in view of Elmer (United States patent no. 5,711,100), emphasizing the magnets of Elmer.

Again Applicant respectfully suggests that the discussion above concerning claim 1 demonstrates that Silverman could not be modified by Blake and Elmer to create the holder for construction plans of claim 5 or claim 12 since claims 5 and 12 are each dependent upon claim 1.

The Examiner has continued by rejecting claim 6 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Silverman and Blake as applied to claim 3 above, and further in view of Reyer (United States patent no. 1,320,918), emphasizing the spring clips of Reyer.

Again Applicant respectfully suggests that the discussion above concerning claim 1 demonstrates that Silverman could not be modified by Blake and Reyer to create the holder for construction plans of claim 6 or claim 13 since claims 6 and 13 are each dependent upon claim 1.

The Examiner has then rejected claims 8 and 15 as being unpatentable under 35 U.S.C. § 103(a) over Silverman in view of Elmer, emphasizing the magnets of Elmer.

Again Applicant respectfully suggests that the discussion above concerning claim 1 demonstrates that Silverman could not be modified by Elmer to create the holder for construction plans of claim 8 or claim 15 since claims 8 and 15 are each dependent upon claim 1.

Lastly, the Examiner has rejected claims 9 and 16 as being unpatentable under 35 U.S.C. § 103(a) over Silverman in view of Reyer, emphasizing the spring clips of Reyer.

Again Applicant respectfully suggests that the discussion above concerning claim 1 demonstrates that Silverman could not be modified by Reyer to create the holder for construction plans of claim 9 or claim 16 since claims 9 and 16 are each dependent upon claim 1.

Applicant respectfully requests the Examiner to allow claim 1 through 16.

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Respectfully,

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Drawings